



Entered on Docket
April 06, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

WILDE & ASSOCIATES

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America's Servicing Company
09-71545 / 1256032378

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Irene Michelle Schwartz-Tallard

Debtor(s).

BK-S-07-11730-lbr

Date: 03/25/2009

Time: 10:30 am

Chapter 13

ORDER VACATING AUTOMATIC STAY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to Secured Creditor America's Servicing Company, its assignees and/or successors in interest, of the subject property, generally described as 17 Caprington Rd., Henderson, NV 89052, and legally described as follows:

PARCEL I:

LOT THIRTY (30) IN BLOCK FOUR(4) OF FINAL. MAP OF ANTHEM COUNTRY PARCEL 38 AS SHOWNBYMAP THEREOF ON FILE IN BOOK 109 OF PLATS, PAGE 53, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PARCEL II:

AN EASEMENT FOR INGRESS AND EGRESS OVER THOSE PRIVATE STREETS AND COMMON ELEMENTS AS SHOWN ON THE MAP REFERRED TO ABOVE AND AS SET FORTH IN THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR ANTHEM COUNTRY CLUB RECORDED IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER ON JUNE 29, 1998 IN BOOK 980629 AS INSTRUMENT NO. 00720, AS NOW OR HEREAFTER AMENDED.

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1 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give
2 Debtors at least five business days' notice of the time, place and date of sale.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby
4 withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of
5 the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured
6 Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

7 DATED this _____ day of _____, 2009.

8
9 Submitted by:
10 **WILDE & ASSOCIATES**

11
12 By _____
13 **GREGORY L. WILDE, ESQ.**
14 Attorney for Secured Creditor
15 208 South Jones Boulevard
16 Las Vegas, Nevada 89107

17 APPROVED / DISAPPROVED

18 _____
19 Frank J. Sorrentino
20 1118 E. Carson Ave.
21 Las Vegas, NV 89101
22 Attorney for Debtor(s)

23 Nevada Bar No: _____

24 APPROVED / DISAPPROVED

25 _____
26 Rick A. Yarnall
701 Bridger Avenue #820
Las Vegas, NV 89101
Chapter 13 Trustee

1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,
and each has approved or disapproved the order, or failed to respond, as indicated below
(list each party and whether the party has approved, disapproved, or failed to respond to the
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: _____

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which
22 they have not replied

24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor